

*C*

~~a gate insulating film formed on the first region and containing silicon, nitrogen and oxygen;~~

~~a gate electrode formed on the gate insulating film, a lower edge of the gate electrode being in a round shape and containing silicon; and~~

~~a post oxide film formed on the second region, containing silicon and oxygen and arranged to be in contact with the gate insulating film and the lower edge of the gate electrode, wherein a nitrogen concentration of the post oxide film is lower than that of the gate insulation film.~~

#### REMARKS

In this Amendment, Applicants have cancelled claim 4 without prejudice or disclaimer of the subject matter therein, and amended claim 1 to more appropriately define the present invention, and in order to advance the prosecution of this application. In accordance with the requirements of 37 C.F.R. § 1.121(c)(1), Applicants provide a marked-up version of the amended claim in an attached Appendix designated "Version of Claim with Markings to Show Changes Made." Claims 1 – 3, 5, and 7 – 19 remain pending, with claims 8 – 19 withdrawn from consideration as directed to a non-elected invention.

In the Office Action, the Examiner rejected claims 1 – 4 under 35 U.S.C. § 103(a) as unpatentable over Rhee (U.S. Patent No. 5,646,054) in view of Teramoto (U.S. Patent No. 5,620,910), Komori, et al. (U.S. Patent No. 5,602,048), and Hsu, et al. (U.S. Patent No. 5,693,974); rejected claim 5 under 35 U.S.C. § 103(a) as unpatentable over Rhee, Teramoto, Komori and Hsu as applied to claim 1, and further in view of Taekmura (U.S. Patent No. 5,917,221); and rejected claim 7 under 35 U.S.C. § 103(a) as unpatentable over Rhee, Teramoto, Komori, Hsu, and Takemura as applied to claim 5, and further in view of Tomita, et al. (U.S.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
[www.finnegan.com](http://www.finnegan.com)